

A User's Guide to Busking in Fargo

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We are excited to announce that the Sidewalk Entertainment Ordinance for Downtown Fargo has been revised and updated to include a process by which performers (Buskers) can obtain an annual permit. This permit will allow the Busker to obtain tips for their entertainment within the Central Business District (see attached map), which has in the past not been allowed. We hope that by the creation of this process, Buskers will be encouraged help enhance the mix of businesses and activities that make Fargo's Downtown a lively and engaging destination.

Definition of Sidewalk Entertainment

In the City Ordinance, Chapter 18 Section 308, "Sidewalk Entertainment" is defined as "performances which may include, but not be limited to, music, dance, mimes, magicians, clowns, jugglers and theatrical presentations but specifically excluding speeches, lectures and sermons [a permit is not required for these]." This is a short list representing only a fraction of the possibilities, so use your creativity as a Busker to come up with something entertaining!

Permit/Application Process/Fee

The ordinance requires that the Busker obtain a permit 72 hours in advance of their first performance. The brief **application** can be filled out in person at the Fargo Planning Office, or by mail if necessary. The application must include the applicant's name, address, telephone number, description of the entertainment and a recent photograph clearly showing the head and shoulders. A \$50 application **fee** will be due upon acceptance of the permit. By signing and receiving the permit, the applicant agrees to comply with the rules and regulations within this ordinance, as well as all other applicable Fargo ordinances. The permit will be valid for one year from receipt. In addition to filling out the application, the applicant must sign a **Hold Harmless Agreement** releasing the City and its employees from all claims and actions arising out of the sidewalk entertainment on public property.

Aggressive solicitation of tips discouraged

While the solicitation of tips is an integral part of Busking and is specifically permitted in the Ordinance, it need not be done aggressively. There are many reasons a person may choose not to offer a tip, even if the entertainment is top notch! Please be mindful and respectful of a person's choice to tip, and avoid harassing passersby. Harassment and aggressive panhandling will not only earn you a lousy reputation, but are also grounds for suspension or revocation of the permit.

Regulations

Once the permit is signed, there are a number of regulations and Ordinances of the City of Fargo that a Busker must follow. These include but are not excluded to those relating to unnecessary noise, obstruction of vehicular and pedestrian traffic, consumption of alcohol and illegal drugs, obscenity, and harassment. To see all of the specific

regulations that must be adhered to, see 18-0310.5 of the Sidewalk Entertainment Ordinance, a copy of which can be obtained at the Fargo Planning Office. Buskers risk suspension or revocation of their permit if these regulations are not followed.

Display of Permit

Buskers must display their permit at all times so that it can be easily seen by Fargo police. If they do not, it will be assumed that a permit has not been obtained, and the police will ask them to cease performing.

Time

Performances are allowed only between the times of 9:00 AM and 10:00 PM every day.

Locations

Performances are allowed anywhere within the Central Business District, understanding that they may not block entrances to buildings, impede traffic along sidewalks and streets, or be within 50 feet of a vendor cart, sidewalk café, or permitted outdoor eating area. Please see the attached map of Fargo's Central Business District.

Restrictions during programmed events

During organized events, such as the annual Downtown Street Fair, the Sidewalk Entertainer permits may be suspended in order to avoid a great deal of congestion. However, the City may contract with the sponsor of the event to allow the performers to entertain in the public right-of-way during the special event.

Sound levels

Buskers must adhere to the City's noise ordinance, which can be found in section 11-02 of the City Ordinances.

Sale of products

The sale of tapes, CD's and other products while performing is prohibited by the Ordinance. However, we encourage Buskers to cultivate relationships with local businesses that may be willing to sell their products. Fargo's downtown businesses are a close-knit community, and working with them will further help to link the Downtown together. This is a wonderful character trait of the Downtown that can't always be found in other parts of the community. Cooperation between Buskers and business owners can play a significant role in making this work.

Insurance

Insurance is not required for Buskers, however performances which would be considered dangerous to passersby (i.e. juggling knives, flaming torches or chain saws) are not allowed. In some cities these types of performances are allowed, but Fargo's sidewalks are simply too narrow to accommodate this. If you have a question about whether your performance would be considered dangerous, please contact the Fargo Planning Department prior to applying for a permit.

Denial/Suspension of Permit

A permit may be denied for reasons including but not excluded to the following:

- If an applicant is not able to provide a complete application
- If the performance is considered dangerous (see "Insurance" above)

A permit may be suspended for reasons including but not excluded to the following:

- If a special event or festival will cause extraordinary sidewalk congestion
- If a Busker violates the rules and regulations within this ordinance
- If a performer has not complied with a request to follow written guidelines from city staff or Fargo police
- If staff have received at least three documented verbal or written complaints concerning the Busker's performance

A permit may be revoked for reasons including but not excluded to the following:

- If the ordinance has been violated twice within a one-year period
- If it is found that the continued operation by the permit holder would jeopardize the public health, safety or general welfare.
- If it becomes apparent that the permit was obtained fraudulently or through misrepresentation

Prior to any decision to revoke a permit, the City Administrator or his designee will give the permit holder written notice of revocation as well as an opportunity to be heard on the decision to revoke. Whether the permit has been denied, suspended or revoked, the applicant or permit holder may appeal to the City Administrator within 10 days of the notice. The permit holder has a further right of appeal to the City Commission if necessary, which will constitute the final decision.

Thank you for consideration in applying to be a Busker in Downtown Fargo! We look forward to seeing what you have to offer our citizens and visitors. And thank you for helping make Downtown **the place to be!**